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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/622,724 | 07/18/2003 | Michael A. Needham | 40746.001 | 2937 |

7590 01/14/2004

Intellectual Property Department
DEWITT ROSS & STEVENS S.C.
US Bank Building
8000 Exelsior Drive Suite 401
Madison, WI 53717-1914

EXAMINER

ROWAN, KURT C

| | |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3643

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/622,724 | NEEDHAM, MICHAEL A. | |
| | Examiner | Art Unit | |
| | Kurt Rowan | 3643 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-20 is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster.

The patent to **Foster** shows a fishing tool having shaft, a handle end with a grip 80, the shaft includes several hooks 32, a several base arms (not labeled but part of U-shaped handle 62) provided thereon and being spaced from a corresponding strap cleat 52, 52 on the shaft whereby a container having a base supported on the base arm may be secured to the shaft by a strap extending through the strap cleat. Foster shows a plurality of different tips in Figs. 4, 5, and 9. In reference to claim 1, Foster shows hooks 32 mounted on a magnet 70 attached to a base arm as shown in fig. 3.

However, it would have been obvious to mount the hooks to the shaft since merely a rearrangement of parts is contemplated and the function is the same. See In re Japikse, 86 USPQ 70. In reference to claim 6, foster shows the tool may be used for measuring purposes noting Fig. 7. In reference to claims 7-8, Foster does not disclose the size of the tool being three to five feet tall and having a circumference of about 2 inches, but it would have been obvious to employ a tool of the recited sizes since the

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exact size would be determined through routine experimentation. Also, see *In re Rose*, 105 USPQ 137.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foster as applied to claim 1 above, and further in view of Wesson.

The patent to Foster shows a fishing tool as discussed above and shows a plurality of tips such as a gaff tip, a pick tip, a base tip, but does not show the tip having an interior pocket to receive the tip end of the shaft therein. Foster shows a threaded tip 46 being received in to the threaded 44 interior of the shaft in Figs. 3-4. The patent to Wesson shows a fishing tool having a plurality of tips in Figs. 4, 7-12, each that have an interior pocket such as 48 in fig. 4 adapted to receive the tip end 32-33 of the shaft. In reference to claims 2-5, it would have been obvious to provide Foster with tips having interior pockets as shown by Wesson since merely one tip and tip end structure is being substituted for another and no stated problem is solved. The function is also the same.

Allowable Subject Matter

4. Claims 9-20 are allowed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Porosky, Gonska, Gangi, Day, Dees, and McIlvaine show other fishing implements.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is 703 308-2321. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703 308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

A handwritten signature in black ink that reads "Kurt Rowan". The signature is written in a cursive, flowing style.

Kurt Rowan
Primary Examiner
Art Unit 3643

KR